



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUN 16 2010

Daniel Wilkus
Director, Air Programs
Westar Energy, Inc.
818 S Kansas Avenue
PO Box 889
Topeka, Kansas 66601-0889

RE: CAM Testing and Nexus with Consent Decree for the Jeffrey Energy Center

Dear Mr. Wilkus:

On June 6, 2010, we received a request from Westar Energy for relief from Consent Decree paragraphs 70, 71, 81 and 82, and associated stipulated penalties during the time Westar is testing the units to update its compliance assurance plan (CAM). The Consent Decree generally requires Westar to optimize and operate the flue gas desulfurization (FGD) and electrostatic precipitator (ESP) in accordance with good engineering practice to minimize emissions during all periods of time. In order to collect the necessary data and develop the respective curves to demonstrate the conditions under which the PM limits are being met, Westar must temporarily detune the control devices during testing and may temporarily emit above the emission limitations in the Consent Decree.

EPA recognizes that such testing is necessary for the purpose of developing the CAM plan and is likely to improve the performance of the controls over time. EPA also acknowledges that Westar may temporarily operate above the PM and SO₂ limits required by the consent decree during CAM testing. Any excursions that occur during these limited periods will not be considered a violation of the Consent Decree nor subject to stipulated penalties, but should be reported consistent with the terms of the Consent Decree and the Title V semi- and annual compliance certifications.

If you have any questions, please contact Jon Knodel of my staff. He can be reached at (913) 551-7622 or knodel.jon@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Smith".

Mark Smith,
Chief, Air Permitting and Compliance

cc: Vick Cooper, KDHE